



July 21, 2020

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Hon. Laura Taylor Swain
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007

MEMO ENDORSED

FILED BY ECF

Re: *In re Application of Evison Holdings Limited*, 1:20-mc-246-LTS

Your Honor:

I write on behalf of Evison Holdings Limited ("Evison"), applicant in the above-captioned proceeding, to request a short extension of time to file the supplemental memorandum of law requested by this Court.

On June 30, 2020, Evison filed an application under 28 U.S.C. § 1782 seeking to obtain documents from two entities, Brokercreditservices Cyprus, Ltd. and Brokercreditservices Americas, Inc. for documents in aid of (1) an arbitration between Evison and Finvision Holdings Limited (in Cyprus) and International Company Finvision Holdings (Limited Liability Company) (together, "Finvision"), which is now pending before the London Court of International Arbitration ("LCIA"), and (2) a Russian criminal investigation involving charges of fraud and embezzlement against four former directors of Orient Express Bank ("OEB"), including American businessman Michael Calvey ("Calvey").

On July 16, 2020, this Court issued an order (the "Order") instructing Evison to file a supplemental memorandum of law addressing the following issues (Dkt. 7):

1. Whether, in light of the Second Circuit's decision in *In re Guo*, No. 19-781, 2020 WL 3816098, (2d Cir. July 8, 2020) as amended (July 9, 2020), Evison wishes to withdraw its argument that the LCIA arbitration between itself and Finvision is a "proceeding in a foreign or international tribunal" for purposes of Section 1782;
2. What interest Evison has in the Russian criminal investigation, aside from its financial interest(s) in obtaining Calvey's testimony for use in the LCIA arbitration;
3. To the extent known, the location of the documents Evison seeks;
4. Russian criminal courts' receptiveness to the submission of evidence by a non-party to the underlying criminal proceeding; and
5. Whether Evison has sought or is seeking the requested discovery, through legal proceedings or otherwise, in Russia, Cyprus, or any other foreign country.

The Order further instructed Evison to file its supplemental memorandum of law by July 24, 2020.

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Certain of the items requested by the Court require the input of Mr. Calvey's Russian counsel, Dmitry Savochkin, who prepared a declaration in support of Evison's application (Dkt. 3). Mr. Savochkin's expertise as Russian counsel is particularly needed to opine on Russian criminal courts' receptiveness to the submission of evidence by a non-party to the criminal proceeding. Mr. Savochkin is and has been on holiday until July 27, 2020, without access to internet.

Evison therefore asks for a short, seven-day extension, until July 31, 2020 to file its supplemental brief.

Respectfully submitted,

/s/ Daniel P. Waxman

Daniel P. Waxman

The requested extension of time is granted. DE#8 resolved.

SO ORDERED.

7/21/2020

/s/ Laura Taylor Swain, USDJ